

STATEMENT OF PURPOSE

RS21769C2

When an adoption is done correctly, all parties experience a sense of peace, birth mom, birth dad, adoptee and adoptive parents. A failed adoption, on the other hand, is everyone's worst nightmare... the agency's, the attorney's, the biological parents', the adoptee's and adoptive couple's. While rare, more and more disruptions can be attributed to a lack of attention to birth fathers' rights. Last year alone three adoptions were overturned in Utah with adoptees returned to their birth fathers because agencies or attorneys followed laws that favored birth moms over birth dads. Laws that favored quick over doing what is right.

This legislation is intended to clarify the statutes in Idaho governing paternity, the putative father registry, termination of parental rights and adoption. These changes are being proposed for the purpose of strengthening the adoption laws in Idaho thereby reducing the chances that an adoption will be overturned in Idaho as occurred in Utah last year. In particular, this legislation will make four substantive changes:

1. Further the best interests of all the parties and the child in particular, by reducing the risks of a custody tug-of-war and disruption/dissolution while, at the same time, increasing the odds of stability and permanency;
2. Reiterate that putative fathers must strictly comply with statutory provisions in order to protect their inchoate interests;
3. Establish a date/time certain, and one exception, for putative fathers to take action to protect their inchoate interests with respect to a child born out-of-wedlock;
4. Direct the Department of Health and Welfare to produce and distribute a pamphlet or publication, in English and Spanish, informing the public about the inchoate interest of putative fathers.

FISCAL NOTE

There is no fiscal impact in adopting this legislation.

Contact:

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